



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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October 17, 2007

Mr. Terry McNeil
McNeil Excavating
16750 Warren Street
LaConner, WA 98257

Re: Swinomish Tribe's Treatment as State Application

Dear Mr. McNeil:

Thank you for your October 10, 2007, e-mail to the Department of Ecology's Director, Jay Manning. Mr. Manning asked that I respond on his behalf.

The Swinomish Tribe's application for Treatment of State is a federal process that is administered by the Environmental Protection Agency's regional administrator. Our region's administrator is Elin D. Miller, (206) 553-1234. The Water Quality Standards contact is Janine Jennings, (206) 553-2724.

There are eight tribes in Washington State that achieved the Treatment of State status with the federal Environmental Protection Agency. Each of these tribes adopted individual water quality standards that are different from the Washington State Water Quality Standards. Where the tribe's water quality standards are more stringent, and apply downstream of Washington waters, they sometimes have an impact on how we regulate in Washington. However, we found EPA and the tribes to be supportive of cooperative, coordinated, approaches to cross-border issues.

I appreciate the concerns you raise in your e-mail. As you may know, a number of these issues have been contested in the federal court system. The courts have strongly backed EPA's approach, including EPA's policy of promoting a unified water quality management system within Indian reservations. The issues you raised in your e-mails pertain to the relationship that the federal government has with federally recognized tribes in this country. I will forward your comments to EPA. Ultimately, the ability to grant a tribe Clean Water authority resides with the federal government and the state can only comment. When EPA makes its final decision, we will work with the Swinomish Tribe and the EPA to ensure that water quality programs and protections are in place for all citizens in a coordinated manner that minimizes boundary issues.

Thank you for your comments.

Sincerely,

David C. Peeler
Water Quality Program Manager

cc: Janine Jennings, EPA

